



AS SINGAPOREANS go to the polls again, what will they look for in their elected president? Having tasted the excitement of the recent watershed general election, a more assertive, young electorate may be itching for an activist president whose “second key” function resembles that of an opposition politician. They may want the watchdog to be more of a scrappy bull terrier than an elegant alsatian.

To exercise his custodial role, how important is deep experience of how government works versus a willingness to be adversarial? Indeed, what really is the role and powers of the president?

Although created two decades ago when most of today’s Gen Y voters were barely toddlers, there has been little testing of the relationship between an elected Parliament and elected president. Personal history here is no guide to future actions: Then President Ong Teng Cheong, a former deputy prime minister and PAP chairman, developed a more testy relationship with his former Cabinet colleagues than President S R Nathan, a lifetime civil servant.

The fact that the president is chosen by direct rather than by indirect elections or appointment has greater significance than generally recognised. In fact, one irony is that the elected president will have won many more direct votes for his position than any minister, who strictly speaking directly represents only his own electoral constituency. To use a political science term usually applied to countries but possibly quite apt here, the “soft power” of a president chosen by direct elections is considerable, and indeed considerably more than his hard power.

His hard – or formal power – is unambiguous and constitutionally limited. It largely covers the protection of past reserves, the appointment of key personnel, approval of detentions under the Internal Security Act, anti-corruption investigations, and restraining orders related to the maintenance of religious harmony. As Law Minister K. Shanmugan pointed out recently, the president has only “custodial, not executive powers”. He cannot direct the investment strategies of Government of Singapore Investment Corp (GIC) or Temasek Holdings, as one candidate recently seemed to suggest was his role.

But other remarks about the elected president are not so straightforward. Former senior minister S. Jayakumar cautioned that the president “is not a centre of power unto himself” and Mr Shanmugan stressed that the president “has no role to advance his own political agenda”.

Well... yes and no.

Yes, to the extent that constitutionally, the president cannot compete with Parliament. But no, to the extent that, due to his being directly elected, he has a mandate independent from Parliament. Even within the same constitutionally prescribed role, there is a big difference between an appointed president and an elected one – and the difference is political legitimacy.

Legitimacy is one of the most critical yet slippery concepts in political science. Its earliest manifestation was in ancient China, where emperors needed the “mandate from heaven” to rule. The mandate to rule derived entirely from the acceptance by the people of the leader, not by force or law alone. As civilisations developed, political mandates were more tangibly measurable through direct, universal elections – arguably the single most powerful form of legitimacy today.

And therein lies the rub. Ceremonial heads of state can be appointed, as are many government positions, such as heads of the military or the civil service. If the sole objective of the constitutional

amendment that created the elected president was to select a person with an impeccable reputation for financial prudence, irreproachable personal integrity, and proven managerial competence, by a means which cannot be manipulated by the government of the day, this could have been achieved by, for example, the non-political Public Service Commission nominating some candidates who are then elected by Parliament through majority vote, and ratified by, say, the Supreme Court.

A president elected through such means would surely be very qualified to exercise the second key, and with no less authority than say the Chief Justice (who is not elected) has to make key legal decisions.

Or the president can be indirectly elected by a majority vote of Parliament, as in several other parliamentary republics. Or even elected by a specially created council of Parliament and representatives of every state, as is the German practice. Many permutations exist in the world for the creation of a custodially empowered, largely ceremonial head of state.

So how is a directly elected president different from an appointed one if the powers are the same?

Very simply put, Parliament is the instrument of the people and the president can be their voice.

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THINK-TANK

Soft powers of a president



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policies they want. In addition, they may vote for a president who has no power to initiate or execute policies, but who can voice their deepest aspirations. And in this fundamental sense, while an elected president may have only custodial powers and ceremonial responsibilities, he may bear the burden of articulating the voice of the nation at its proudest, and rallying its people at the most dire of times.

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This effectively answers the question of why the president should be given the independent mandate which comes with direct elections whereas his formal role is mainly ceremonial. If he is to ever fulfil his custodial role effectively, he must indeed have a mandate unto himself and not derived from the government, and a mission or agenda which is not deter-

mined by the government but legitimised through direct elections.

The problem is in defining independence. It may well mean to be adversarial when necessary, but also quietly cooperative when appropriate. As the government found out with its previous and current elected presidents, differences in personal temperament, style or approach to their responsibilities resulted in very different relationships.

What a popular mandate means in practice, and how much leeway it gives a president, is the crux of the issue which Singaporeans have been debating. Some have said that the mandate of the elected president is defined by a strict interpretation of his constitutional role. Others have argued that, without violating his

constitutional boundaries, his popular mandate obliges the president to cajole and to exhort, to be the moral voice of the nation and the people.

Ireland’s directly elected but largely ceremonial president is explicitly compelled to get government approval for speeches on specific formal occasions, but is otherwise free to speak his mind. And Irish presidents have taken to TV interviews and radio talk shows to expound their views on many subjects, so long as they do not directly criticise the government.

Such a president could add a new dimension to public life in Singapore. To opine on any specific parliamentary Bill is clearly inappropriate. To criticise another country would be indelicate. But there is a vast playground – or minefield – of issues that may be permissible though possibly embarrassing.

Growing income inequality, immigration pressures, public transport woes, affordability of housing – these are all general issues, not specific government policies. Yet they can also be politically charged, and a vocal president can shape the nature of the public debate through his own views. Probably to avoid the awkwardness, rather than the challenge, posed by a president with a different worldview, both ruling and opposition parties elsewhere have often not only endorsed specific candidates but also resorted to nominating party candidates for the presidency.

In the Singapore context, what should be considered appropriate and legitimate voicing of concern, versus inappropriately adversarial or partisan views, will have to be determined by the president and responded to by Parliament. The rules of engagement between the two institutions have still to be worked out. The legal relationship is very clear, but Constitutions everywhere are famously open to interpretation and provide only the framework upon which decades or even centuries of practice and tradition give flesh and muscle to the skeleton.

On what platforms might this relationship develop, be tested and mature? At the private level of course, the prime minister and president may consult on appropriate issues. At the bureaucratic level, civil servants may have to adjust to a more activist, inquisitive president.

And certainly in the public domain, there may be the most uncertainty. The president may say something mildly embarrassing to the government. But what if this develops into a tiff, without either side violating its constitutional powers? This will be where the people will have to be the judge, for it is they who elected both the government and the president.

For the electorate this is another heavy burden. But as Singapore matures into a more politically plural society, with multiple centres of influence, it is the people who will increasingly have to decide who to listen to, who to elect to lead them, who to voice their pain and aspirations.

The only fact we know about the next president is that he will be addressed as President Tan. But whether his first name is Tony, or Cheng Bock, or Kin Lian, will make a big difference to the future shape of the institution. Each has his own view and vision of the president’s role. Each realises the constitutional limits to the president’s powers. Each also knows the soft power or moral legitimacy which a popular mandate confers.

The same electorate that signalled generational change by the way it voted in the parliamentary elections will soon be determining the social contract between the people and their president. As to how this uniquely Singaporean institution evolves, we can all recall the cinema message of old: *Akan Datang...*

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